

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

HOWARD DONOVAN WILLIAMS	:	CIVIL ACTION
	:	No. 12-5395
v.	:	
	:	
BOROUGH OF SHARON HILL, et al.	:	

ORDER

AND NOW, this 4th day of September 2013, upon consideration of a motion to dismiss by defendants Borough of Sharon Hill and Sean William Johnson (Dkt. No. 6) and plaintiff Howard Donovan Williams's response thereto (Dkt. No. 8.) and consistent with the accompanying memorandum of law, it is ORDERED that defendant's motion is GRANTED as follows:¹

1. Plaintiff's claims against the Borough of Sharon Hill are DISMISSED.
2. To the extent that plaintiff's complaint asserts a claim for conspiracy, any such claim is DISMISSED.
3. Plaintiff's claim against Officer Johnson for a violation of his rights under the First Amendment is DISMISSED.
4. Plaintiff's claim against Officer Johnson for a violation of his right to be free from the use of excessive force under the Fourth Amendment is DISMISSED.
5. Plaintiff's claims against Officer Johnson for assault and battery are DISMISSED.

¹ Plaintiff's claims against defendant Alastair Crosbie are not dismissed by this Order.

6. Plaintiff's claim against Officer Johnson for intentional infliction of emotional distress is DISMISSED.
7. Plaintiff's claim against Officer Johnson for punitive damages is DISMISSED to the extent that it seeks such damages from Johnson in his official capacity.

Consistent with the accompanying memorandum of law, and to the extent that he can allege sufficient facts sufficient to state his claims against the Borough of Sharon Hill and Officer Johnson, plaintiff is permitted to file an amended complaint on or before September 20, 2013. The amended complaint may not reassert claims for punitive damages against the Borough of Sharon Hill or against Officer Johnson in his official capacity.

s/Thomas N. O'Neill, Jr.
THOMAS N. O'NEILL, JR., J.